

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

RAYMOND D. WEBB,)
Plaintiff,)
v.) Case No. 2:20-CV-02217-TLP-cgc
)
SN SERVICING CORPORATION and)
MADISON MANAGEMENT SERVICES,)
Defendants.)

NOTICE BY PLAINTIFF TO SHOW CAUSE

Comes now Raymond D. Webb, by and through his undersigned counsel, and in response to the Order To Show Cause filed in this case on May 4, 2020 would show unto the Court the following:

1. Plaintiff filed a civil warrant against Defendants in the Shelby County General Sessions Court for claims of certain violations of FDCPA.
2. The general sessions lawsuit was scheduled for initial hearing on April 14, 2020.
3. Prior to the initial hearing, Defendants removed the action to this Court.
4. Plaintiff's undersigned counsel received a copy of the Court's Order to Show Cause via U.S. Mail on May 7, 2020.
5. Upon receipt of the Order to Show Cause, Plaintiff's undersigned counsel learned for the first time that a Motion to Dismiss had been filed by Defendants on April 1, 2020.
6. Upon receipt of the Order to Show Cause, Plaintiff's undersigned counsel diligently searched the receptionist and mail areas of his shared office building and did discover the envelope containing the motion to dismiss (and several other notices from the U.S. Bankruptcy Court) had inadvertently been put in the mail slot of a non-active attorney with offices in the same building.
7. Due to the many disruptions caused by the Covid-19 virus situation, the normal office routines and procedures at Plaintiff's counsel's office have likewise been disrupted and Plaintiff requests the Court to take this into account.

8. Plaintiff is an elderly, indigent gentleman who deserves his day in court rather than to have his case dismissed on a technicality and caused by inadvertence of his counsel in receiving notices by U.S. Mail.

9. Plaintiff has suffered clear violations of FDCPA by Defendants and needs additional time to amend the general sessions complaint for more specificity now that the matter has been removed to federal court.

WHEREFORE PREMISES CONSIDERED, PLAINTIFF PRAYS:

1. That the Court find sufficient cause exists to allow Plaintiff additional time to respond to the Defendants' Motion to Dismiss.
2. That Plaintiff be allowed to amend his complaint originally filed in the state court of general sessions to meet the specificity requirements of such an action in federal court.
3. For such other and further relief as may be just and proper.

Respectfully submitted,

/s/CLIFTON E. DARNELL (B.P.R. No. 16050)
Attorney for Plaintiff
7500 Capital Drive
Germantown, TN 38138
(901) 388-0084

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been mailed, postage prepaid, to:

Bret J. Chaness
Patty Whitehead
Rubin Lublin, LLC
3145 Avalon Ridge Place, Suite 100
Peachtree Corners, GA 30071

on this 8th day of May, 2020.

/s/ CLIFTON E. DARNELL (B.P.R. 16050)